

MARK SMITH, Assistant U.S. Attorney
U.S. Attorney's Office
2601 Second Avenue North, Suite 3200
Billings, MT 59101
Tel: (406) 247-4667; Fax: (406) 657-6058
E-mail: mark.smith3@usdoj.gov

JEAN E. WILLIAMS, Acting Assistant Attorney General
SETH M. BARSKY, Chief
MEREDITH L. FLAX, Assistant Chief
MICHELLE M. SPATZ, Trial Attorney
U.S. Department of Justice
Environment & Natural Resources Division
Wildlife & Marine Resources Section
P.O. Box 7611, Ben Franklin Station
Washington, D.C. 20044-7611
Tel: (202) 598-9741; Fax: (202) 305-0275
E-mail: michelle.spatz@usdoj.gov

Attorneys for Federal Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

WILDEARTH GUARDIANS, a non-profit
organization; and WILDERNESS
WORKSHOP, a non-profit organization;

Plaintiffs,

v.

MARTHA WILLIAMS, in her official
capacity as Principal Deputy Director of the
United States Fish and Wildlife Service; and
UNITED STATES FISH AND WILDLIFE
SERVICE, a federal agency;

Federal Defendants.

Case No. 9:20-cv-00097-DLC

**JOINT STATUS REPORT
AND MOTION TO AMEND
THE SCHEDULING ORDER**

Per the Court's February 2, 2021 Order (ECF No. 19), Plaintiffs, WildEarth Guardians and Wilderness Workshop, and Federal Defendants, Martha Williams and the United States Fish and Wildlife Service, jointly submit the following Joint Status Report and Motion to Amend the Scheduling Order.

JOINT STATUS REPORT

Under the Court's Scheduling Order (ECF No. 19), June 1 is the deadline "for the parties' status update, including deadline to request extension of summary judgment briefing schedule if a motion challenging the administrative record is forthcoming." In accordance with the Court's Order, the parties report that they have conferred regarding the administrative record and need additional time to resolve issues related to the record.

JOINT MOTION TO AMEND THE SCHEDULING ORDER

The parties respectfully request to amend the deadlines set forth in the Court's Scheduling Order (ECF No. 19) to allow sufficient time to resolve issues related to the administrative record, including Plaintiffs' need for additional time to complete their review of documents obtained through the Freedom of Information Act. The parties have conferred and agree that the following amended deadlines would accommodate their needs:

Deadline for the parties' status update
on whether a motion challenging the
administrative record is forthcoming,

including deadline to request extension
of summary judgment briefing schedule
if such a motion is forthcoming:

July 2, 2021

Deadline for motion to supplement or
challenge the administrative record:

July 16, 2021

Plaintiffs' motion for summary judgment
and brief in support (limited to 6,500 words):

July 16, 2021

Federal Defendants' combined cross-
motion for summary judgment and
response to Plaintiffs' motion for
summary judgment (limited to 6,500 words):

August 13, 2021

Plaintiffs' combined response to Federal
Defendants' cross-motion for summary
judgment and reply in support of their
motion for summary judgment (limited
to 3,250 words):

September 10, 2021

Federal Defendants' reply in support of
their cross-motion for summary judgment
(limited to 3,250 words):

October 8, 2021

Accordingly, Plaintiffs and Federal Defendants jointly request that the
deadlines in the Court's February 2, 2021 Order (ECF No. 19) be amended as set
forth above.

Dated: May 24, 2021

Respectfully submitted,

JEAN E. WILLIAMS,
Deputy Assistant Attorney General
SETH M. BARSKY, Chief
MEREDITH L. FLAX, Assistant Chief

/s/ Michelle M. Spatz
MICHELLE M. SPATZ, Trial Attorney
(D.C. Bar No. 1044400)
United States Department of Justice
Environment & Natural Resources Division
Wildlife and Marine Resources Section
P.O. Box 7611, Ben Franklin Station
Washington, D.C. 20044-7611
michelle.spatz@usdoj.gov

Counsel for Federal Defendants

/s/ John R. Mellgren
John R. Mellgren, *pro hac vice*
(Oregon Bar # 114620)
Western Environmental Law Center
120 Shelton McMurphey Blvd.
Suite 340
Eugene, OR 97401
mellgren@westernlaw.org

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2021, I electronically filed and served the foregoing Joint Status Report and Motion to Amend the Scheduling Order on all counsel of record via the CM/ECF system.

/s/ Michelle M. Spatz

MICHELLE M. SPATZ, Trial Attorney

D.C. Bar No. 1044400

United States Department of Justice

Environment & Natural Resources Division

Wildlife and Marine Resources Section

P.O. Box 7611, Ben Franklin Station

Washington, D.C. 20044-7611

Tel: (202) 598-9741; Fax: (202) 305-0275

E-mail: michelle.spatz@usdoj.gov

Attorneys for Federal Defendants